

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Lighthouse Community Church of God,

Plaintiff,

v.

Case No. 05-40220

City of Southfield *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER STRIKING MOTION

On August 9, 2007, Defendant City of Southfield (“Defendant”) filed an “Emergency Motion to Permit City of Southfield to Disclose Records Under Michigan Freedom of Information Act.” Defendant states that it received a request for unspecified information under the Freedom of Information Act, M.C.L. §15.231 *et seq.* (“FOIA”) on July 19, 2007, that the confidentiality agreement entered into by the parties requires that neither party disclose information regarding the resolution of the case without a motion and determination by the Court, and that the City must respond to the FOIA request by August 10, 2007. Nevertheless, Defendant waited until just after 6:00 p.m on August 9, 2007, to file the instant motion.

The instant motion consists of six sentences and does not attach the FOIA request at issue or even identify the nature of the information sought in the FOIA request. In violation of Rule 7.1(c) of the Local Rules of the Eastern District of Michigan, Defendant did not submit a brief in support of the motion.

In addition, Local Rule 7.1 (a) provides that the movant must ascertain whether the contemplated motion will be opposed. “If concurrence is not obtained, the motion or request must state: (A) there was a conference between attorneys or unrepresented parties in which the

movant explained the nature of the motion or request and its legal basis and requested but did not obtain concurrence in the relief sought; or (B) despite reasonable efforts specified in the motion or request, the movant was unable to conduct a conference.” L.R. 7.1(a)(2). Here, Defendant’s motion simply states that Defense Counsel sent Plaintiff’s Counsel a single letter seeking a stipulation to release the records and has not heard back from him. The Court does not view the sending of a single letter, with no follow-up telephone call or any other efforts, as reasonable efforts to obtain concurrence prior to filing an emergency motion in which an immediate ruling by the Court is requested.

Accordingly, the Court hereby **STRIKES** Defendant’s “Emergency Motion to Permit City of Southfield to Disclose Records Under Michigan Freedom of Information Act” [Docket Entry No. 244] from the docket for failure to comply with Local Rule 7.1(a) and (c).

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 10, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 10, 2007, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager